

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

THOMAS ROGER WHITE, JR. and PATRICIA
CAULEY on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

SAMSUNG ELECTRONICS AMERICA, INC.
and SONY ELECTRONICS INC.,

Defendants.

Civil Action No. 17-1775 (MCA) (SCM)

Document Electronically Filed

[PROPOSED] ORDER

WHEREAS, THIS MATTER, having been opened to the Court jointly by the parties Defendant Samsung Electronics America, Inc. (“Samsung”), by its attorneys, Gibbons P.C. and Covington & Burling LLP, Defendant Sony Electronics Inc. (“Sony”), by its attorneys, Holland & Knight, and Plaintiffs Thomas White and Patricia Cauley, by their attorney, Mack Press, Esq., for the entry of an Order governing these proceedings;

WHEREAS, on September 26, 2018, U.S. District Judge Madeline Cox Arleo entered a Letter Order dismissing the First Amended Complaint (“FAC”) in its entirety, ECF No. 82;

WHEREAS, on August 21, 2019, U.S. District Judge Madeline Cox Arleo entered a Letter Order granting in part and denying in part the Defendants’ motions to dismiss the Second Amended Complaint, ECF No. 104;

WHEREAS, on September 4, 2019, Defendant Samsung filed a motion for reconsideration of the Court’s decision with respect to the Wiretap Act claim (Count Four), the only claim remaining in Plaintiffs’ Second Amended Complaint, or in the alternative to certify for immediate interlocutory appeal pursuant to 28 U.S.C. 1292(b);

WHEREAS, on September 4, 2019, Defendant Sony, relying upon the legal arguments contained in Samsung's Brief, also filed a motion for reconsideration (limited to the Wiretap Act claim), or in the alternative to certify for immediate interlocutory appeal pursuant to 28 U.S.C. 1292(b);

WHEREAS, the parties have met and conferred regarding the pending motions and the continued proceedings in this matter and have reached an agreement on the further scheduling in this matter, as set forth in this proposed stipulation and order;
and good cause having been shown:

IT IS on this ____ day of _____, 2019;

ORDERED that consistent with the parties' agreements, further briefing on Defendants' motions for reconsideration shall be due as follows:

1. Plaintiffs' Opposition to Defendants' Motions for Reconsideration shall be filed no later than October 10, 2019.
2. The Return Date on Defendants' Motions for Reconsideration shall be November 4, 2019.

AND IT IS FURTHER ORDERED that, the time within which Defendants must answer or otherwise respond to the Second Amended Complaint or then-operative Complaint shall be extended up to and including November 29, 2019; absent further Court order;

AND IT IS FURTHER ORDERED that the Court's Order staying discovery entered on April 30, 2018, ECF No. 72, shall remain in effect until November 29, 2019.

By: s/ Mack Press

MACK PRESS

mackpress@yahoo.com

mack@mackpress.com

THE MACK FIRM

18 Watergate Lane

Patchogue, NY 11772

Telephone: (516) 330-7213

Attorney for Plaintiffs Thomas White and Patricia Cauley

By: s/ Michael R. McDonald

MICHAEL R. MCDONALD

mmcdonald@gibbonslaw.com

KATE ELIZABETH JANUKOWICZ

kjanukowicz@gibbonslaw.com

GIBBONS P.C.

One Gateway Center

Newark, NJ 07102

Telephone: (973) 596-4500

ERIC C. BOSSET (*pro hac vice*)

ebosset@cov.com

COVINGTON & BURLING LLP

One City Center

850 Tenth Street, NW

Washington, D.C. 20001

Telephone: (202) 662-6000

SIMON J. FRANKEL (*pro hac vice*)

sfrankel@cov.com

COVINGTON & BURLING LLP

One Front Street, 35th Floor

San Francisco, CA 94102

Telephone: (415) 591-6000

Attorneys for Defendant

**SAMSUNG ELECTRONICS AMERICA,
INC.**

***[ADDITIONAL SIGNATURES ON
FOLLOWING PAGE]***

By: s/ Mark S. Melodia
MARK S. MELODIA
mark.melodia@hklaw.com
HOLLAND & KNIGHT LLP
31 West 52nd Street
New York, NY 10019
Telephone: (212)-513-3200

PAUL J. BOND
paul.bond@hklaw.com
HOLLAND & KNIGHT LLP
2929 Arch Street
Suite 800
Philadelphia, PA 19104
Tel: (212) 513-3200

Attorneys for Defendant
SONY ELECTRONICS INC.

IT IS SO ORDERED.

Dated: _____

Magistrate Judge Stephen Mannion
United States Magistrate Judge